

REMARKS

Claims 1-3 and 6-16 are pending in the application.

Objection to the Specification

The deficiencies in the paragraphs 0017 and 0021 have been corrected.

Claim Objections

The deficiencies in the claims 2, 6, and 16 have been corrected.

Claim Rejections - 35 U.S.C. 112

Claims 1-3 and 6-16 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the **written description requirement**. The examiner in the heading of this rejection referred to “new matter” - it is believed that this reference is in error as no new matter has been introduced into the application and because the Examiner quotes 35 USC 112, 1st paragraph, relating to written description. Therefore, the rejection based on written description requirement will be addressed in the following.

The examiner states that the claims 1 and 16 contain limitations without support in the specification as originally filed, namely:

- “the cutting inserts are .. and arranged **within** the end faces of the second arms“ and
- “so that the cutting inserts **do not project past** an end of the second arms that is remote from the pivots”.

The Examiner further states that the limitations contradict paragraph 0017 because this paragraph describes that the cutting inserts 24 and 25 project past the end faces 12, 13 of the arm 10, 11 and that on these projecting ends a circular recess 38, 39 is provided. The examiner also states that the cutting inserts 24, 25 are not arranged within the end faces but project past the end faces.

It is respectfully submitted that the language “within the end faces” refers to the arrangement of the cutting inserts in the recesses 20, 21 provided in the end faces 12, 13 (see paragraph 0015). These recesses 20, 21 are, of course, recessed within the end faces (thus “recess”) and receive the cutting inserts; therefore, the cutting inserts 24, 25 are arranged within the end faces. This is described in paragraph 0015 and can be seen in

Fig. 1. Paragraph 0015 has been amended to include a specific reference to "within the end faces". It is respectfully submitted that "within the end faces" does not mean that the inserts must end flush with the surfaces of the end faces.

Fig. 1 also shows that the inserts 24 and 25 project from the recesses 20, 21 (are not completely received in the recesses) toward the opposite end face and the circular recess 38, 39 for the rod to be cut are provided at this projecting end. However, as a three-dimensional object can project in many directions, a projection of the inserts 24, 25 can also be defined in other directions. As can be seen in Fig. 1, the end faces 12, 13 have a length from the top end of the arms 10, 11 (top of the drawing sheet) to the lower end (where the slanted surfaces 14 and 15 begin). The recesses 20, 21 or cutting inserts 24, 25, when viewed in the direction of length of the end faces 12, 13 from the pivots (bolts 4, 5) toward the top end of the arms 10, 11 (the end of the arms that is remote from the bolts 4, 5) are much shorter in this direction than the end faces 12 and 13 (only about one third of the length of the end faces); therefore, the cutting inserts in this direction do not project past the top end of the arms 10, 11. Paragraph 0017 has been amended to include a specific description of this feature in order to comply with the written description requirement.

No new matter has been added as all features are clearly disclosed in the specification and the drawings as a whole.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112, 1st paragraph, are therefore respectfully requested.

ALLOWABLE SUBJECT MATTER

Claims 1-3 and 6-16 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112, 1st paragraph. It is believed that the above amendments and explanations have overcome the rejections so that the claims are believed to be in allowable form.

Allowance of the application is thus respectfully solicited.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned

would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on June 14, 2007,
/Gudrun E. Huckett/

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